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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,966	08/21/2003	Koji Nakazawa	101175-00034	7581
4372	7590	11/03/2005	EXAMINER	
AREN'T FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			ZHENG, LOIS L	
		ART UNIT		PAPER NUMBER
				1742

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Office Action Summary</i>	Application No. 10/644,966	Applicant(s) NAKAZAWA ET AL.
Examiner Lois Zheng	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 21 August 2003.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1-5 are currently under examination.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the abstract is too long.

Correction is required. See MPEP § 608.01(b).

Means-Plus-Function Language

4. Instant claim 20 contains following terms written in means-plus-function format, and has been interpreted as follows:

"a water electrolysis means"(claims 1-4) is not recited in proper means-plus-function format and has been interpreted to read on any electrochemical structure having a pair of catalyst layers separated by an electrolyte membrane.

“a backflow means for making the pure water, . . . , flow back to said water electrolysis means”(claims 1-2) is in proper means-plus-function format is defined as a pump in specification at page 7 second full paragraph, and in Fig. 2 numeral 8.

“a gas/liquid separating means for separating pure water from the gas/liquid mixture of oxygen and pure water both brought out from said water electrolysis means”(claims 1 and 4-5) is in proper means-plus-function format is defined as a gas/liquid separating unit in specification at pages 6 last paragraph through page 7 second full paragraph, and in Fig. 2 numeral 2.

“a purifying means for purifying with the aid of ion exchange resin the pure water”(claims 3-4) is in proper means-plus-function format is defined as a purifying unit in specification at pages 7 second full paragraph, and in Fig. 2 numeral 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moulthrop, Jr. et al. US 6,383,361 B1(Moulthrop) in view of Cisar et al. US 5,635,039 (Cisar).

Moulthrop teaches a water electrolysis system comprising an electrolysis cell stack(Fig. 4 numeral 61), an oxygen/water separation tank(Fig. 4 numeral 100) and a phrase separation tank(Fig. 4 numeral 82).

Regarding instant claim 1, the electrolysis cell stack of Moulthrop reads on the claimed water electrolysis means. The oxygen/water separation tank of Molthrop reads on the claimed gas/liquid separation means. Moulthrop further teaches that the water exiting from the phrase separation tank is pumped back into the electrolysis cell(Fig. 4 numerals 72 & 94, col. 4 lines 36-38). Therefore, the claimed backflow means is inherently present in the water electrolysis system of Moulthrop. Moulthrop further teaches that the oxygen/water exiting from the electrolysis cell stack is introduced to the oxygen/water separation tank(Fig. 4 numerals 98 & 100, col. 4 lines 40-42). Therefore, the claimed discharge open is inherently present in the cell stack of Moulthrop. The oxygen/water separation tank(i.e. gas/liquid separation means) of Moulthrop is directly connected to the discharge opening through which the oxygen/water mixture is brought out from the cell stack(i.e. water electrolysis means). In addition, since Moulthrop is silent about any intermediate piping between the electrolysis cell stack and the oxygen/water separation tank, the examiner asserts that the oxygen/water mixture(i.e. gas/liquid mixture) directly flows into the oxygen/water separation tank(i.e. gas/liquid separation means) through the discharge opening as claimed. Even if Moulthrop were to discloses intermediate piping between the electrolysis cell stack and the oxygen/water separation tank, the teachings of Moulthrop still read on the claimed limitation because the instant claim 1 does not specifically recite that the gas/liquid mixture flows into the gas/liquid separation means through the discharge open without any intermediate piping.

However, Moulthrop does not explicitly teach the water electrolysis cell stack comprises the claimed pair of catalyst layers separated by an electrolyte membrane.

Cisar teaches an electrochemical cell that can be used as a water electrolyzer (abstract, col. 1 lines 19-21, col. 28, lines 31-43). Cisar further teaches a pair of catalyzed electrodes separated by a proton exchange membrane (col. 5 line 62-col. 6 line 3, col. 8 line 20 – col. 9 line 32).

Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated the pairs of catalyzed electrodes separated by a proton exchange membrane as taught by Cisar into the water electrolysis system of Moulthrop in order to increase the performance of the electrochemical cell by as taught by Cisar (col. 9 lines 10-12).

Furthermore, the claimed language "electrolyzes pure water supplied to said catalyst layers, and brings out hydrogen from one catalyst layer and brings out a gas/liquid mixture of oxygen and pure water from the other catalyst layer;" is interpreted as process limitations, therefore, does not lend patentability to instant claim 1. The water electrolysis system of Moulthrop in view of Cisar is inherently capable of performing the claimed process limitations since Moulthrop in view of Cisar teaches a water electrolysis system that is the same as that of the instant invention.

Regarding instant claim 2, Moulthrop further teaches that the gas phrase separation tank (Fig. 4 numeral 82) comprises ion exchange resin (Fig. 3 numeral 81) to remove any cationic and anionic impurities (col. 3 lines 11-17, col. 4 lines 32-33). Therefore, the ion exchange resin containing gas phrase separation tank as taught by

Moulthrop in view of Cisar reads on the claimed purifying means for purifying water with the aid of ion exchange resin wherein the purified water is flown back to the water electrolyzer.

Regarding instant claim 3, the gas phrase separation tank of Moulthrop in view of Cisar(i.e. purifying means) is arranged adjacent to the water electrolysis cell stack(i.e. water electrolysis means) as claimed.

Regarding instant claim 5, Moulthrop further teaches that the gas phrase separation tank(i.e. purifying means) comprises a filter medium(Fig. 3 numeral 84). Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated the filter medium in the gas phrase separation tank of Moulthrop into the oxygen/water separation tank of Moulthrop in view of Cisar(i.e. gas/liquid separation means) in order to sufficiently removing particulates in the water such that the re-circulated water will not contaminate the electrochemical cell as taught by Moulthrop(col. 3 lines 19-23).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moulthrop in view of Cisar, and further in view of Murphy et al. US 5,460,705(Murphy).

The teaching of Moulthrop and Cisar are discussed in paragraph 6 above. However, Moulthrop in view of Cisar do not teach the claimed intake opening for supplying mint pure water to the water electrolyzer.

Murphy teaches a water electrolyzer for producing ozone(Abstract). The water electrolyzer of Murphy comprising an electrolysis cell stack of proton exchange membrane separated catalyst coated anodes and cathodes(Fig. 6 numeral 72) and a

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gas/liquid separation tank(Fig. 6 numeral 74) equipped with a intake pipe(Fig. 6 numeral 86) for makeup deionized water(col. 15 lines 56-57).

Regarding instant claim 4, it would have been obvious to one of ordinary skill in the art to have incorporated the deionized water intake pipe of Murphy into the oxygen/water separation tank of Moulthrop in view of Cisar in order to makeup the water to the water electrolyzer as taught by Murphy(col. 15 lines 56-57). Therefore, the Moulthrop in view of Cisar and Murphy inherently teach the intake opening for supplying mint pure water as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lois Zheng whose telephone number is (571) 272-1248. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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